

EXHIBIT 55

HIGHLY CONFIDENTIAL

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.,

Plaintiff,

vs.

Case No. 22-CV-983 (VEC)

STOCKX, LLC,

Defendant.

*** HIGHLY CONFIDENTIAL ***

The Videotaped Deposition of RUSSELL AMIDON,
Taken at 28 West Adams Avenue, Suite 1500,
Detroit, Michigan,
Commencing at 10:06 a.m.,
Wednesday, November 30, 2022,
Before Stenographic Shorthand Reporter,
Lori Ann Baldwin, CSR-5207, RPR, CRR.

HIGHLY CONFIDENTIAL

Page 2

1 APPEARANCES :

2

3 TAMAR Y. DUVDEVANI

4 GABRIELLE VELKES

5 DLA Piper LLP (US)

6 1251 Avenue of the Americas

7 New York, New York 10020-1104

8 212.335.4799

9 tamar.duvdevani@dlapiper.com

10 gabrielle.velkes@us.dlapiper.com

11 Appearing on behalf of Plaintiff.

12

13 CHRISTOPHER S. FORD

14 Debevoise & Plimpton LLP

15 650 California Street

16 San Francisco, California 94108

17 415.738.5705

18 csford@debevoise.com

19 Appearing on behalf of Defendant.

20

21

22

23

24

25 APPEARANCES (Continued)...

HIGHLY CONFIDENTIAL

Page 9

1 your counsel tells you not to answer a question based
2 on privilege. Got it?

3 A. Got it.

4 Q. Okay. All right. So 2016, was that when -- did
5 you -- did you begin working at StockX when it was
6 founded?

7 A. I did not.

8 Q. Okay. How long had it been in existence at the time
9 you began working for the company?

10 A. I believe we launched StockX a -- a month or two
11 before.

12 Q. Okay. Is your title the same today as it was in 2016?

13 A. It is not.

14 Q. Okay. Can you take me through your employment history
15 at StockX?

16 A. Sure. From 2016 to 2018, I led our Customer Service
17 team, so my title was Director of Customer Experience.

18 In 2018, transitioned to Senior Director of
19 VIP Relations, and -- from 2018 to 2020. And 2020 to
20 present, it is Senior Director of Account Management.

21 Q. What were your duties and responsibilities in your
22 position as Senior Director of VIP Relations from 2018
23 to 2020?

24 A. Sure. I had a few different roles, one of which was
25 starting to communicate with what we call power buyers

HIGHLY CONFIDENTIAL

Page 13

1 following month, if they hit that target, we will give
2 you an additional one percent off your -- your seller
3 fee.

4 Q. Okay. So fair to say that sellers are incentivized to
5 sell as much as possible on the StockX platform, is
6 that fair?

7 MR. FORD: Objection to the form.

8 A. I think it's fair to say that sellers are incentivized
9 to sell more, but we do have a cap of where you can
10 receive a break.

11 BY MS. DUVDEVANI:

12 Q. What does that mean?

13 A. It means that there's only, there's a ceiling in -- of
14 how much fees you can have break -- have a break on
15 your account.

16 Q. And what's the ceiling?

17 A. The lowest sell fee you can achieve is a six percent
18 seller fee.

19 Q. Can you elaborate a bit about that in terms of numbers
20 and how that works?

21 MR. FORD: Objection to the form.

22 A. So any seller has the opportunity to move their seller
23 fee by selling more or behaving with those
24 behavior-based bonuses to go from ten percent seller
25 fee down to six percent seller fee. And we have that

HIGHLY CONFIDENTIAL

Page 14

1 based on our seller level, so if you are a brand new
2 seller and never sold anything today, you are
3 considered a Level 1 at a 10 percent rate and you have
4 all quarter to potentially reach that Level 5 status
5 which is 250 sales in a quarter.

6 But once you've reached Level 5, there's no
7 additional bonus. So you -- you can get to 5, and
8 once you get both bonuses, that's your cap
9 essentially.

10 BY MS. DUVDEVANI:

11 Q. You mentioned tooling as well, is that right, do I
12 remember that correctly?

13 A. That is correct.

14 Q. Okay. What does tooling mean?

15 A. We have a few products that sellers can use to more
16 efficiently manage their seller inventory. So one of
17 which is something called StockX Pro where, if you are
18 interested in using that tool, we can send you an
19 invitation link. It's just a URL to an adjacent site
20 of ours.

21 And then the second one is a recently
22 acquired tool called "Scout." And any seller can go
23 and use that. And it's essentially the same thing,
24 a -- almost like a record keeping of your sales and
25 the location of where you sold it, but it can sync to

HIGHLY CONFIDENTIAL

Page 15

1 StockX and have your items listed on our platform.

2 Q. What do you mean by location of where you sold?

3 A. So in Scout, if you sold your item on StockX, for
4 example, it would record that it was sold to StockX
5 for that price and all the details. But if you
6 decided to sell it elsewhere, either another
7 marketplace or offline or at a -- to another person,
8 an individual, you can -- you can record where that
9 sale happened just for your records for -- for tax
10 purposes or reporting.

11 Q. What type of products do power sellers sell on the
12 platform?

13 MR. FORD: Objection to form.

14 A. We have, I believe, six different verticals and they
15 sell all, they can sell up to any and all products on
16 our site.

17 BY MS. DUVDEVANI:

18 Q. I understand that they can sell any products on your
19 site.

20 My question is what products do power
21 sellers actually sell on your site?

22 MR. FORD: Object to the form.

23 A. I would say the majority of the pow -- our existing
24 power sellers sell mostly sneakers, apparel, and
25 collectibles, while we also have electronics and

HIGHLY CONFIDENTIAL

Page 16

1 handbags and other things, but those would be the --
2 the main three.

3 BY MS. DUVDEVANI:

4 Q. And of those main three, do you know which are the
5 highest volume products that are sold by power
6 sellers?

7 A. Sneakers.

8 MR. FORD: Sorry. Objection to the form.
9 Just give me a second.

10 BY MS. DUVDEVANI:

11 Q. Okay. Any particular type of sneakers?

12 A. Any -- all brands really. It's hard to say.

13 Q. What's the highest selling brand of sneakers on
14 StockX?

15 MR. FORD: Object to the form.

16 A. I'm really not sure. I'm not sure.

17 BY MS. DUVDEVANI:

18 Q. Who would know the answer to that?

19 A. It would be our -- probably our BI team, essentially
20 our Data Analytics team.

21 Q. Are there documents that reflect the highest selling
22 categories of products and brands of products on
23 StockX?

24 MR. FORD: Objection to the form.

25 A. I'm not sure.

HIGHLY CONFIDENTIAL

Page 26

1 learn and hopefully correct that mistake or, you know,
2 determine whether the claim was real.

[illegible]

15	BY MS. DUVDEVANI:
----	-------------------

16 Q. Okay. Who would know then, if not you?

17 MR. FORD: Objection to the form.

18 A. I'm not sure, but, like I said prior, our Operations
19 team is the team who -- that is dedicated to our
20 authentication.

21 BY MS. DUVDEVANI:

22 Q. You mentioned power seller inventory. Do you know
23 where power sellers get their inventory?

24 MR. FORD: Objection to the form.

25 A. I know that they source their product from anywhere

HIGHLY CONFIDENTIAL

Page 27

1 they can get the product from. I think that we, as I
2 mentioned before, the goal is always to -- to sell
3 more, but I can't say with certainty where exactly
4 their inventory comes from.

5 BY MS. DUVDEVANI:

6 Q. And is that a correct statement for every single power
7 seller you've ever dealt with, you don't know where
8 they get any of their inventory?

9 MR. FORD: Objection to form.

10 A. I -- I can't -- I can't say with certainty that
11 they're from, you know, I have suspicion by seeing
12 what products that they sell where they get it from,
13 but I can't with certainty say that I know their
14 source of inventory.

15 BY MS. DUVDEVANI:

16 Q. What are your suspicions?

17 A. Just that if I see them selling a particular brand or
18 a particular item, I might come to the conclusion that
19 they got it from a particular site or -- or a
20 particular -- yeah, a particular website or brand or
21 something.

22 Q. And why is that?

23 MR. FORD: Objection to form.

24 A. If I see where their -- the products that they're
25 selling and I see maybe a pattern of brand or style, I

HIGHLY CONFIDENTIAL

Page 28

1 can at least come to a -- I can guess where they maybe
2 have got that product, just because not every site
3 would carry that product.

4 BY MS. DUVDEVANI:

5 Q. Can you give me an example?

6 A. Sure. If someone's selling only Adidas Yeezy
7 products --

8 THE REPORTER: Adidas?

9 THE WITNESS: Sorry. Adidas Yeezy
10 products.

11 THE REPORTER: Thank you.

12 THE WITNESS: Y-E-E-Z-Y.

13 A. -- I can come to the conclusion that they got it from,
14 you know, a Yeezy supply or Adidas, at least I can
15 guess where they're sourcing their products from.

16 But again, I don't know with a hundred
17 percent certainty where a seller gets their product
18 from.

19 BY MS. DUVDEVANI:

20 Q. Do you have power sellers that have a high volume of
21 Nike and Jordan-branded inventory?

22 MR. FORD: Objection to form.

23 A. Yeah, I think so.

24 BY MS. DUVDEVANI:

25 Q. You think so or you know so?

HIGHLY CONFIDENTIAL

Page 31

1 some of your power sellers get their products. I was
2 asking about your suspicions regarding the power
3 sellers that have high volumes of Nike and Jordan
4 products.

5 MR. FORD: Objection to form.

6 A. And what's the question?

7 BY MS. DUVDEVANI:

8 Q. The question is: Do you have suspicions as to where
9 any of those power sellers obtained their products?

10 MR. FORD: Objection to form.

11 A. I really don't know. I think "suspicion" may be the
12 wrong word because I, my team, personally, we have an
13 Authentication team that we are confident in, that
14 that is where we -- we don't ask where sellers get
15 their inventory, so we don't, it is not a talking
16 point or something that my team focuses on because we
17 know that every product will get checked anyway before
18 it gets sent to the buyer.

19 BY MS. DUVDEVANI:

20 Q. Why don't you ask your power sellers where they get
21 their inventory?

22 MR. FORD: Objection to form.

23 A. It's similar to what I -- I just said, I think,
24 because we have an authentication service that looks
25 at every item before it gets to a buyer. We really

HIGHLY CONFIDENTIAL

Page 32

1 don't focus on it, that being, where their source is
2 because it doesn't matter to us where their source is
3 because we have that authentication process that we
4 are confident in.

5 BY MS. DUVDEVANI:

6 Q. How much do you know about the authentication process?

7 MR. FORD: Objection to form.

8 A. Very little. My job is really just to create the
9 customer experience for our sellers.

10 BY MS. DUVDEVANI:

11 Q. Okay. What is a -- strike that.

12 I understand that StockX has pre-release
13 for certain products, is that right?

14 MR. FORD: Objection to the form.

15 A. Can you potentially clarify?

16 BY MS. DUVDEVANI:

17 Q. Sure.

18 A. Yeah.

19 Q. Well, do you know what I mean by "pre-release"?

20 A. No.

21 Q. Okay. Does StockX offer for sale products that have
22 yet to be released by the brand?

23 MR. FORD: Objection to form.

24 A. From my understanding, our Catalogue team adds
25 products to the site. I don't know when and why they

HIGHLY CONFIDENTIAL

Page 40

1 BY MS. DUVDEVANI:

2 Q. When was the last time you saw this document?

3 A. I don't recall.

4 Q. Did you see this -- strike that.

5	What is this document?
---	------------------------

[illegible]

HIGHLY CONFIDENTIAL

Page 41

[illegible]

HIGHLY CONFIDENTIAL

Page 42

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]
 [REDACTED]

[REDACTED]
[REDACTED]
 [REDACTED] [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

HIGHLY CONFIDENTIAL

Page 47

[illegible]

HIGHLY CONFIDENTIAL

Page 48

[illegible]

HIGHLY CONFIDENTIAL

Page 49

[REDACTED]

9 BY MS. DUVDEVANI:

10 Q. Are you aware of any instances where power sellers
11 were suspended as a result of selling fakes?

12 MR. FORD: Objection to form.

13 A. Generally speaking, yes.

14 BY MS. DUVDEVANI:

15 Q. Generally speaking, you're aware of instances where
16 power sellers were suspended as a result of selling
17 fakes?

18 MR. FORD: Objection to form.

19 A. Generally speaking, I'm aware that we have suspended
20 power sellers if they send product that we do not
21 think are inauthentic.

22 BY MS. DUVDEVANI:

23 Q. What happens after the suspension?

24 A. The -- I think one of two things can happen for
25 Level 4 and 5. One, they stay suspended forever.

HIGHLY CONFIDENTIAL

Page 79

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 MARKED FOR IDENTIFICATION:

11 DEPOSITION EXHIBIT 7

12 STX0772981-STX0772985

13 12:49 p.m.

14 BY MS. DUVDEVANI:

15 Q. Mr. Amidon, the court reporter has just handed you a
16 document designated as Exhibit 7. Take a look.

17 A. Okay.

18 Q. Who is Alana Meeks?

19 A. I do not know her, but I believe she's on our Social
20 Media team.

21 Q. Okay. So you see on the second-to-last page of this
22 email, Alana sends an email regarding an Instagram
23 post, right?

24 A. I do.

25 Q. Okay. And she writes, "Among other things, the user,

HIGHLY CONFIDENTIAL

Page 80

1 who also goes by 'Roy,' has stated to have reached out
2 to support channels but has been met with silence."

3 Do you see that?

4 A. I do.

5 Q. Okay. And then if you look above, Jacob adds a few
6 more people to the email chain. And among other
7 things, Jacob writes, "Andy, is it true that we
8 haven't responded to this CS contacts?"

9 A. I do.

10 Q. What does "CS" mean?

11 A. Customer Service.

12 Q. So what is this asking? That nobody responded to Roy?

13 MR. FORD: Objection to form.

14 BY MS. DUVDEVANI:

15 Q. I'll strike that.

16 Is -- as far as you understand, is Jacob
17 asking Andy whether it is true that StockX has not
18 responded to Roy's reach-out via Customer Service?

19 MR. FORD: Objection to form.

20 A. It appears that he as -- is asking Andy if it is true
21 that Roy's claim that he has been met with silence is
22 true.

23 BY MS. DUVDEVANI:

24 Q. Okay. And then if you look at the page 772983, you
25 see that you are added, "Power buyer out of

HIGHLY CONFIDENTIAL

Page 81

1 California, so adding Russ for awareness." Do you see
2 that?

3 A. I do.

4 Q. And then looking up further in the email, there's a
5 response from Sean McCartney. Who is Shawn McCartney?

6 A. He is our leader of Operations -- he leads our
7 Operations team. I don't know his title off the top
8 of my head.

9 Q. And who is Beth Ann Calhoun?

10 A. She is one of the leaders in Customer Service.

11 Q. So Beth Ann Calhoun writes, "I have found three cases
12 that teammates have had sitting in queue without
13 answer." What does that mean?

14 MR. FORD: Objection to form.

15 A. I'm not sure either. Sorry. I don't know.

16 BY MS. DUVDEVANI:

17 Q. What is it, do you know what it means "sitting in
18 queue without answer" in the context of StockX
19 Customer Service?

20 MR. FORD: Objection to form.

21 A. I'm not sure.

22 BY MS. DUVDEVANI:

23 Q. Do I need to ask Beth Ann Calhoun what she meant here,
24 or is there someone else that you think would know the
25 answer to my question?

HIGHLY CONFIDENTIAL

Page 82

1 MR. FORD: Objection to form.

2 A. Since Beth Ann Calhoun is the leader in Customer
3 Service, I would imagine she would know that answer.

4 BY MS. DUVDEVANI:

5 Q. Do you know what it means by "cases," when she says,
6 "I have found three cases"?

7 MR. FORD: Objection to form.

8 A. I do. One case is a ticket submitted by a customer to
9 our Customer Service team.

10 BY MS. DUVDEVANI:

11 Q. And "teammates," does that mean Customer Service
12 teammates?

13 MR. FORD: Objection to form.

14 A. I'm not sure, but I would imagine so.

15 BY MS. DUVDEVANI:

16 Q. Okay. And "sitting in queue without answer," does
17 that mean StockX has yet to respond to the ticket?

18 MR. FORD: Objection to form.

19 A. I'm not sure, but I would imagine that's what it
20 means.

21 BY MS. DUVDEVANI:

22 Q. And looking at the page 772982, there is an email from
23 Derrick Register from 5:46 p.m. on July 7th. Do you
24 see that?

25 A. Yes.

HIGHLY CONFIDENTIAL

Page 87

1 sold fake pairs of shoes other than Roy Kim?

2 MR. FORD: Objection to form.

3 A. I don't remember specific instances.

4 BY MS. DUVDEVANI:

5 Q. Is this the only one you remember?

6 A. This is the only one I remember.

7 MARKED FOR IDENTIFICATION:

8 DEPOSITION EXHIBIT 8

9 STX00772942-STX0072945

10 1:03 p.m.

11 MS. DUVDEVANI:

12 Q. Mr. Amidon, the court reporter just handed you a
13 document that's been designated as Exhibit 8.

14 A. Okay.

15 Q. Do you recognize this document?

16 A. I do.

17 Q. When was the last time you saw this document?

18 A. Yesterday.

19 Q. Okay. On page 772944 you send an email to Roy on
20 July 7th, 2022. Do you see that?

21 A. I do.

22 Q. And you write, "Hey Roy, we saw your post and didn't
23 see any inquiries sent to Customer Service about the
24 issue. So I wanted to reach out and help."

25 Do you see that?

HIGHLY CONFIDENTIAL

Page 88

1 A. I do.

2 Q. But was that true?

3 MR. FORD: Objection to form.

4 A. I'm not sure if it was true.

5 BY MS. DUVDEVANI:

6 Q. And the last email that we just looked at, Mr. Amidon,
7 it said on July 6th that your Customer Service
8 representatives located three cases that have yet to
9 be answered, right?

10 MR. FORD: Objection to form.

11 A. If I recall, it just said that there were three cases,
12 but I don't, I didn't know what the other part of that
13 meant.

14 BY MS. DUVDEVANI:

15 Q. Okay. Did you then call Roy Kim when he gave you his
16 number?

17 A. I did.

18 Q. And what did you say to him and what did he say to
19 you?

20 MR. FORD: Objection to form.

21 A. I spoke to him about his Instagram post and introduced
22 who I was, this is the first time I spoke to him, and
23 offered to assist in what he would like to proceed
24 next with, and we discussed returning the shoes for
25 further inspection.

HIGHLY CONFIDENTIAL

Page 89

1 BY MS. DUVDEVANI:

2 Q. Anything else you remember about that conversation?

3 A. I remember him being very pleasant and said that he
4 would -- would like to send some sneakers back and
5 would get back to me with how many labels he would
6 need because he would prefer to send them in bigger
7 boxes then -- rather than individual labels.

8 Q. How many times have you spoken on the phone to
9 Roy Kim?

10 A. I believe twice.

11 Q. Okay. So was that the first time that we just went
12 over?

13 A. Yes.

14 Q. What was the second time?

15 A. The second time was after we received the items back,
16 I called him to tell them they were items that indeed
17 should not have passed our authentication process and
18 apologized for the inconvenience, told him that we
19 would be refunding him for the product and I did offer
20 him to come visit us in Detroit because he appeared to
21 be a long-time customer.

22 Q. When you told him that indeed they should not have
23 passed authentication, did you mean they were fake?

24 MR. FORD: Objection to form.

25 A. I told him that they were at minimum a defect, and

HIGHLY CONFIDENTIAL

Page 90

1 when I say "defect," I mean a -- a manufacturing
2 defect and that they possibly could have been
3 inauthentic and that was what I was told by our
4 Authentication team.

5 BY MS. DUVDEVANI:

6 Q. Sorry. What were you told by your Authentication
7 team?

8 A. My Authentication team told me that they were, at
9 minimum, defective, which is a manufacturing defect,
10 and that it was possible that they were inauthentic,
11 but we should not have passed them along to the buyer.

12 Q. So your Authentication team did not know if they were
13 fake or if they were a defect, is that right?

14 MR. FORD: Objection to form.

15 A. I'm not, as I mentioned before, I'm not the expert, so
16 I was just relaying information.

17 BY MS. DUVDEVANI:

18 Q. But that's what you were told by your Authentication
19 team?

20 MR. FORD: Objection to form.

21 A. Yes.

22 BY MS. DUVDEVANI:

23 Q. And I see that you, on the first page of the email,
24 gave him, gave Roy Kim a \$500 code, is that right?

25 A. Yes.

HIGHLY CONFIDENTIAL

Page 91

1 Q. And what does that mean?

2 A. That was a discount code to use for a future purchase
3 and to apologize for the convenience.

4 MR. FORD: Objection to form.

5 BY MS. DUVDEVANI:

6 Q. The inconvenience of being sold fake pairs of shoes?

7 A. From my perspective, and what my job is, the
8 inconvenience of potentially not responding to him,
9 or -- and having him deal with the situation where he
10 did not receive a good customer experience, so that is
11 why I made the decision to -- to do that.

12 Q. Okay.

13 MARKED FOR IDENTIFICATION:

14 DEPOSITION EXHIBIT 9

15 ZK_NIKE_000812-ZK_NIKE_000813

16 1:11 p.m.

17 BY MS. DUVDEVANI:

18 Q. Mr. Amidon, the court reporter has just handed you an
19 exhibit designated -- strike that -- a document
20 designated as Exhibit 9. Do you see that?

21 A. Yes.

22 Q. Okay. On the first page of the document, Michael
23 writes to you a number, do you see that, 734, et
24 cetera? Do you know what that number is?

25 A. That is a order number.

HIGHLY CONFIDENTIAL

Page 108

1 this document?

2 A. Yes. I believe this was around the time where we
3 learned that his business was in receivership where it
4 seemed like his business was no longer operating. And
5 we saw a lot of inbound packages from his accounts and
6 they were sent back. And it appears we did not know
7 specifically why. And it was not clear if they were
8 from us or not because there were a lot of items that
9 did not have tags or invoices.

10 Q. Is there any other way for StockX to determine whether
11 or not they sold a product other than tags or
12 invoices?

13 MR. FORD: Objection to form.

14 A. Without our verification tag, to my understanding,
15 there is not any other way to know if it came directly
16 from StockX.

17 BY MS. DUVDEVANI:

18 Q. Okay. The sentence almost towards the bottom of the
19 page, it says, "Looking at the tracking, I am seeing
20 around 10 to 20 percent of these orders that have been
21 delivered to our ACs and verified as fake."

22 Do you know what that means?

23 MR. FORD: Objection to the form.

24 A. That 10 to 20 percent of these orders that were
25 delivered to our Authentication Center were verified